



STATE OF WISCONSIN

Senate Journal

Ninety–Fourth Regular Session

10:00 A.M.

TUESDAY, November 2, 1999

The Senate met.

The Senate was called to order by Senator Fred Risser.

The roll was called and the following Senators answered to their names:

Senators Baumgart, Breske, Burke, Chvala, Clausing, Cowles, Darling, Decker, Drzewiecki, Ellis, Erpenbach, Farrow, Fitzgerald, George, Grobschmidt, Huelsman, Jauch, A. Lasee, Lazich, Moen, Moore, Panzer, Plache, Risser, Robson, Roessler, Rosenzweig, Rude, Schultz, Shibilski, Welch, Wirsch and Zien – 33.

Absent – None.

Absent with leave – None.

The Senate stood for a moment of silent meditation.

The Senate remained standing and Senator Decker led the Senate in the pledge of allegiance to the flag of the United States of America.

INTRODUCTION, FIRST READING AND REFERENCE OF BILLS

Read first time and referred:

Senate Bill 271

Relating to: changing the definition of noxious weeds.

By Senator Darling; cosponsored by Representative La Fave.

To committee on **Economic Development, Housing and Government Operations.**

Senate Bill 272

Relating to: requiring school boards that provide instruction in human sexuality and related subjects to provide instruction in marriage and parental responsibility.

By Senators Welch, Fitzgerald, Darling, Huelsman, Roessler and Rosenzweig; cosponsored by Representatives Owens, Ladwig, Ainsworth and Gunderson.

To committee on **Education.**

Senate Bill 273

Relating to: prohibiting the denial, revocation, suspension, withholding or restriction of approvals issued under chapter 29 of the statutes based on the failure of the approval applicants or approval holders to provide social security numbers.

By Senators Welch, Drzewiecki, Darling, Breske, Roessler, Ellis, Huelsman and A. Lasee; cosponsored by Representatives Gundrum, Musser, Kaufert, Hundertmark, M. Lehman, Owens, F. Lasee, Ziegelbauer, Underheim, Hoven, Gunderson,

Hasenohrl, Ryba, Meyer, Goetsch, Reynolds, Plouff and Leibham.

To committee on **Agriculture, Environmental Resources and Campaign Finance Reform.**

Senate Bill 274

Relating to: credit union membership, powers and operation; the application of agriculture, trade and consumer protection statutes to credit unions and providing a penalty.

By Senators Erpenbach, Moen, Grobschmidt, Plache, Baumgart, George, A. Lasee, Risser, Decker, Robson and Zien; cosponsored by Representatives F. Lasee, Young, Carpenter, Ryba, Colon, Huber, Kreibich, Sykora, Pocan, Boyle, Plale, Reynolds, Sinicki, Hasenohrl, Black, Ainsworth, Staskunas, Hebl, Goetsch, Gronemus, Waukau, Travis, Townsend, Meyerhofer, Plouff, Balow, J. Lehman, Musser, Ziegelbauer, Albers, Schneider and Pettis.

To committee on **Privacy, Electronic Commerce and Financial Institutions.**

Senate Bill 275

Relating to: creating a tax rebate for individuals, repealing the school property tax rent credit, reducing the amount that is available under the school levy tax credit and making an appropriation.

By Senators Farrow, Ellis, Rude and Drzewiecki.

To joint committee on **Finance.**

Senate Bill 276

Relating to: exempting from taxation a tax rebate for individuals.

By Senators Farrow, Ellis, Rude and Drzewiecki.

To joint survey committee on **Tax Exemptions.**

REPORT OF COMMITTEES

The committee on **Labor** reports and recommends:

Senate Bill 255

Relating to: various changes in the unemployment insurance law, granting rule-making authority, making appropriations and providing penalties.

Passage.

Ayes, 5 – Senators Baumgart, Decker, Breske, Zien and Farrow.

Noes, 0 – None.

Jim Baumgart
Chairperson

PETITIONS AND COMMUNICATIONS**State of Wisconsin
Department of Administration**

October 22, 1999

The Honorable, The Legislature:

This report is transmitted as required by sec. 20.002(11)(f) of the Wisconsin Statutes, (for distribution to the appropriate standing committees under sec. 13.172(3) Stats.), and confirms that the Department of Administration has found it necessary to exercise the "temporary reallocation of balances" authority provided by this section in order to meet payment responsibilities and cover resulting negative balances during the month of September 1999.

On September 21, 1999 the **Wisconsin Health Education Loan Repayment Fund** balance was -\$1 thousand. This shortfall increased to -\$2 thousand on September 29, 1999 and continued into the month of October. As of the date of this letter, it is expected to be resolved before the end of November. This shortfall is due to the timing of revenues.

On September 3, 1999 the **Support Collection Trust Fund** balance was -\$39 thousand. This shortfall continued until September 7, 1999 when the balance reached \$246 thousand. On September 17, 1999 the balance was -\$1.15 million. This shortfall continued until September 20, 1999 when the balance reached \$1.67 million. These shortfalls were due to delays in the processing of daily receipts.

The Wisconsin Health Education Loan Repayment Fund and the Support Collection Trust Fund shortfalls were not in excess of the statutory interfund borrowing limitation and did not exceed the balances of the Funds available for interfund borrowing.

The distribution of interest earnings to investment pool participants is based on the average daily balance in the pool and each fund's share. Therefore, the monthly calculation by the State Controller's Office will automatically reflect the use of these temporary reallocations of balance authority.

Sincerely,

GEORGE LIGHTBORN
Acting Secretary

Referred to the joint committee on **Finance**.**State of Wisconsin
Department of Natural Resources
Department of Administration**

November 1, 1999

The Honorable, The Senate:

Enclosed is the Environmental Improvement fund Biennial Finance Plan for the 1999-2001 biennium.

The Environmental Improvement Fund program legislation (s. 281.59(3), Wis. Stats.) requires the Department of Natural Resources and the Department of Administration to submit a final version of the Biennial Finance Plan to the Legislature and to the State Building Commission following enactment of the biennial budget. The purpose of the plan is to provide information on loan, loan subsidy, and bonding levels for program operations in the 1999-2001 biennium.

Also included is a copy of the Environmental Improvement Fund Biennial Report for the 1997-1999 biennium. The report provides information on the activities and operations of the program during the previous biennium. This report is also submitted in accordance with s. 281.59(3), Wis. Stats.

If you have any questions regarding the Biennial Finance Plan or the Biennial Report, please contact Kathryn A. Curtner at 266-0860 or Frank Hoadley at 266-2305.

Sincerely,

KATHRYN A. CURTNER, Director
Bureau of Community Financial Assistance
Department of Natural Resources

FRANK R. HOADLEY
Capital Finance Director
Department of Administration

**State of Wisconsin
Department of Health and Family Services**

October 22, 1999

The Honorable, The Senate:

Section 46.972(4) of the statutes requires the Department of Health and Family Services to submit to the Legislature a report each year on the allocation and expenditure of funds for services for homeless individuals with severe and persistent mental illness. Attached is the report for Calendar Year 1998.

Department staff is available to answer any questions.

Sincerely,

JOE LEEAN
Secretary

**State of Wisconsin
Ethics Board**

November 2, 1999

The Honorable, The Senate:

The following lobbyists have been authorized to act on behalf of the organizations set opposite their names.

For more detailed information about these lobbyists and organizations and a complete list of organizations and people authorized to lobby the 1999 session of the legislature, visit the Ethics Board's web site at <http://ethics.state.wi.us>.

Boyce, Lisa **Internet Alliance by Multistate Associates, Inc.**

Driessen, Anthony **Internet Alliance by Multistate Associates, Inc.**

Fonfara, Thomas **Internet Alliance by Multistate Associates, Inc.**

Also available from the Wisconsin Ethics Board are reports identifying the amount and value of time state agencies have spent to affect legislative action and reports of expenditures for lobbying activities filed by the organizations that employ lobbyists.

Sincerely,

ROTH JUDD
Director

Senator Robson, with unanimous consent, asked that the Senate recess until 11:35 A.M..

10:14 A.M.

RECESS

11:35 A.M.

The Senate reconvened.

Senator Risser in the chair.

EXECUTIVE COMMUNICATIONS

Senator Chvala, with unanimous consent, asked that the appointments of HOEKSEMA, TIMOTHY E., LUBAR, SHELDON B. and THOMPSON, CHARLES H., be laid on the table.

Senator Rude objected.

Senator Chvala moved that the appointments of HOEKSEMA, TIMOTHY E., LUBAR, SHELDON B. and THOMPSON, CHARLES H., be laid on the table.

The question was: shall the appointments of HOEKSEMA, TIMOTHY E., LUBAR, SHELDON B. and THOMPSON, CHARLES H., be laid on the table?

The ayes and noes were demanded and the vote was: ayes, 17; noes, 16; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Clausing, Decker, Erpenbach, George, Grobschmidt, Jauch, Moen, Moore, Plache, Risser, Robson, Shibilski and Wirch – 17.

Noes – Senators Cowles, Darling, Drzewiecki, Ellis, Farrow, Fitzgerald, Huelsman, A. Lasee, Lazich, Panzer, Roessler, Rosenzweig, Rude, Schultz, Welch and Zien – 16.

Absent or not voting – None.

Laid on the table.

Senator Chvala, with unanimous consent, asked that the remaining appointments be taken up en masse.

BEAVER, DR. ALBERT J., of Madison, as a member of the Wisconsin Advanced Telecommunications Foundation, Inc., to serve for the term ending May 1, 2002.

Read.

ESLINGER, REBA L., of Spooner, as a member of the Board of Veterans Affairs, to serve for the term ending May 1, 2005.

Read.

GIFT, BONNIE, of Fennimore, as a member of the Funeral Directors Examining Board, to serve for the initial term ending July 1, 2000 and for the full term ending July 1, 2004.

Read.

KNEGENDORF, LARRY E., of Woodville, as a member of the Wisconsin Advanced Telecommunications Foundation, Inc., to serve for the term ending May 1, 2002.

Read.

LUBER, PAUL B., of Whitefish Bay, as a member of the Wisconsin Health and Educational Facilities Authority, to serve for the term ending June 30, 2006.

Read.

RATTNER, RAYMOND G., of Bayside, as a member of the Hearing and Speech Examining Board, to serve for the term ending July 1, 2003.

Read.

SAINI, DR. BHUPINDER, of Cudahy, as a member of the Medical Examining Board, to serve for the interim term ending July 1, 2000.

Read.

SCHALLOCK, JERRY, of Rhinelander, as a member of the Nursing Home Administrator Examining Board, to serve for the term ending July 1, 2002.

Read.

TREFFERT, DR. DAROLD A., of Fond du Lac, as a member of the Medical Examining Board, to serve for the term ending July 1, 2003.

Read.

The question was: Confirmation?

The ayes and noes were required and the vote was: ayes, 33; noes, 0; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Clausing, Cowles, Darling, Decker, Drzewiecki, Ellis, Erpenbach, Farrow, Fitzgerald, George, Grobschmidt, Huelsman, Jauch, A. Lasee, Lazich, Moen, Moore, Panzer, Plache, Risser, Robson, Roessler, Rosenzweig, Rude, Schultz, Shibilski, Welch, Wirch and Zien – 33.

Noes – None.

Absent or not voting – None.

Confirmed.

REFERRALS AND RECEIPT OF COMMITTEE REPORTS CONCERNING PROPOSED ADMINISTRATIVE RULES

Senate Clearinghouse Rule 98–190

Relating to referral of patients to other health care practitioners.

Submitted by Department of Regulation and Licensing.

Report received from Agency, October 28, 1999.

Referred to committee on **Health, Utilities, Veterans and Military Affairs**, November 2, 1999.

Senate Clearinghouse Rule 99–030

Relating to teacher education program appraisal and licenses.

Submitted by Department of Public Instruction.

Report received from Agency, November 1, 1999.

Referred to committee on **Education**, November 2, 1999.

Senate Clearinghouse Rule 99–128

Relating to computer-based examinations.

Submitted by Department of Regulation and Licensing.

Report received from Agency, October 29, 1999.

Referred to committee on **Human Services and Aging**, November 2, 1999.

The committee on **Economic Development, Housing and Government Operations** reports and recommends:

Senate Clearinghouse Rule 99–088

Relating to the registration and regulation of professional geologists, hydrologists and soil scientists.

No action taken.

Robert Wirch
Chairperson

MESSAGES FROM THE ASSEMBLY

By Charles Sanders, chief clerk.

Mr. President:

I am directed to inform you that the Assembly has passed and asks concurrence in:

Assembly Bill 174

Assembly Bill 223

Assembly Bill 254

Assembly Bill 312

Assembly Bill 394

Assembly Bill 469

Assembly Bill 514

MESSAGES FROM THE ASSEMBLY CONSIDERED

Assembly Bill 174

Relating to: exceptions for peace officers to certain prohibitions relating to firearms.

By Representatives Kreuser, Kaufert, Nass, Kedzie, Plale, Steinbrink, Hasenohrl and Ryba; cosponsored by Senators Wirch, Erpenbach, Zien and Drzewiecki.

Read first time and referred to committee on **Judiciary and Consumer Affairs**.

Assembly Bill 223

Relating to: drug paraphernalia.

By Representatives Gundrum, Ladwig, Ryba, Stone, Sykora, Klusman, Grothman, Porter, Ainsworth, Kestell, Brandemuehl, Seratti, Albers, Spillner, Kelso, Powers, Montgomery, Skindrud, Freese, Plale, Staskunas, Kreibich and Pettis; cosponsored by Senators Drzewiecki, Roessler, Darling, Fitzgerald, Schultz, Farrow, Lazich, Huelsman, Welch and Panzer.

Read first time and referred to committee on **Judiciary and Consumer Affairs**.

Assembly Bill 254

Relating to: correcting the fishing license fee for disabled veterans (Revisor's Correction Bill).

By Law Revision Committee.

Read first time and referred to committee on **Agriculture, Environmental Resources and Campaign Finance Reform**.

Assembly Bill 312

Relating to: the requirement that an unemancipated minor obtain parental or other consent or a judicial waiver of that consent requirement before she have an abortion.

By Representatives Kedzie, Plale, Kestell, Pettis, M. Lehman, Handrick, Porter, Hahn, Ward, Huebsch, Meyerhofer, Johnsrud, F. Lasee, Ainsworth, Kreibich, Owens, Hoven, Goetsch, Walker, Ladwig, Grothman, Albers, Duff, Sykora, Gard, Freese, Vrakas, Gunderson, Petrowski, Montgomery, Ziegelbauer, Staskunas, Urban, Ryba, Seratti, Ott, Rhoades, Leibham, Wieckert, Powers, Suder, Nass, Jeskewitz, Hundertmark and Gundrum; cosponsored by Senators Welch, Schultz, Fitzgerald, Breske, Zien, Roessler, Farrow and Drzewiecki.

Read first time and referred to committee on **Judiciary and Consumer Affairs**.

Assembly Bill 394

Relating to: the eligible ages for special education.

By Representatives Spillner, Olsen, Klusman, Stone, Kestell, Brandemuehl, Freese, Ainsworth, Goetsch, Montgomery, Hahn, Grothman, Ward, M. Lehman, Owens, Hundertmark, Nass and Powers; cosponsored by Senators Roessler, Rosenzweig, Schultz and Huelsman.

Read first time and referred to committee on **Education**.

Assembly Bill 469

Relating to: permitting an employer to refuse to employ or to terminate from employment an individual who has been convicted of a felony and who has not been pardoned.

By Representatives Kelso, Walker, Grothman, Ladwig, Stone, Jensen, Musser, Montgomery, Owens, Hundertmark, Suder, Porter, Jeskewitz, Townsend, Urban, Kaufert, Nass, Underheim, Vrakas, Handrick and Plale; cosponsored by Senators Darling, Fitzgerald, Huelsman, Rosenzweig and Cowles.

Read first time and referred to committee on **Judiciary and Consumer Affairs**.

Assembly Bill 514

Relating to: requiring school boards that provide instruction in human sexuality and related subjects to provide instruction in marriage and parental responsibility.

By Representatives Owens, Ainsworth, Huebsch, Musser and Seratti; cosponsored by Senators Welch, Lazich, Roessler and Rosenzweig.

Read first time and referred to committee on **Education**.

SECOND READING AND AMENDMENTS OF SENATE JOINT RESOLUTIONS AND SENATE BILLS

Senate Joint Resolution 17

Relating to: requesting Congress to meet its fiscal responsibility for the education of children with disabilities.

Read.

Adopted.

Senator Risser, with unanimous consent, asked to be added as a coauthor of **Senate Joint Resolution 17**.

Senate Bill 27

Relating to: the appointment of the secretary of natural resources.

Read a second time.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

Senate Bill 27

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 18; noes, 15; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Clausen, Cowles, Decker, Erpenbach, George, Grobschmidt, Jauch, Moen, Moore, Plache, Risser, Robson, Shibilski and Wirch – 18.

Noes – Senators Darling, Drzewiecki, Ellis, Farrow, Fitzgerald, Huelsman, A. Lasee, Lazich, Panzer, Roessler, Rosenzweig, Rude, Schultz, Welch and Zien – 15.

Absent or not voting – None.

Passed.

Senate Bill 69

Relating to: requiring cemetery authorities to provide for burials during each season.

Read a second time.

The question was: Adoption of Senate amendment 1 to

Senate Bill 69?

Adopted.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

Senate Bill 69

Read a third time and passed.

Senate Bill 97

Relating to: increasing the membership of the employee trust funds board.

Read a second time.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

Senate Bill 97

Read a third time and passed.

Senate Bill 120

Relating to: prison impact assessments.

Read a second time.

Senate amendment 1 to **Senate Bill 120** offered by Senators Huelsman, Farrow, Roessler, Schultz, Lazich, Welch, Drzewiecki, Zien and Panzer.

The question was: Adoption of Senate amendment 1 to **Senate Bill 120?**

Adopted.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

Senate Bill 120

Read a third time and passed.

Senate Bill 155

Relating to: elimination of requirements concerning information about physicians who voluntarily accept assignment for payment of Medicare claims and authorizing release of certain information by the designated representative of the long-term care ombudsman (suggested as remedial legislation by the board on aging and long-term care).

Read a second time.

Ordered to a third reading.

Senator Clausung, with unanimous consent, asked to be added as a coauthor of **Senate Bill 120**.

Senator Roessler, with unanimous consent, asked to be added as a cosponsor of **Assembly Bill 85**.

Senator Roessler, with unanimous consent, asked to be added as a coauthor of **Senate Bill 275**.

Senator Roessler, with unanimous consent, asked to be added as a coauthor of **Senate Bill 276**.

Senate Bill 155

Relating to: elimination of requirements concerning information about physicians who voluntarily accept assignment for payment of Medicare claims and authorizing release of certain information by the designated representative

of the long-term care ombudsman (suggested as remedial legislation by the board on aging and long-term care).

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

Senate Bill 155

Read a third time and passed.

Senate Bill 163

Relating to: changing certain terminology in laws affecting the state civil service system (suggested as remedial legislation by the department of employment relations).

Read a second time.

The question was: Adoption of Senate amendment 1 to **Senate Bill 163?**

Adopted.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

Senate Bill 163

Read a third time and passed.

Senate Bill 195

Relating to: uniform fees chargeable for certified duplicate health care records and granting rule-making authority.

Read a second time.

Senate amendment 1 to Senate substitute amendment 1 to **Senate Bill 195** offered by Senator Moen.

The question was: Adoption of Senate amendment 1 to Senate substitute amendment 1 to **Senate Bill 195?**

Adopted.

The question was: Adoption of Senate substitute amendment 1 to **Senate Bill 195?**

Adopted.

Senate substitute amendment 2 to **Senate Bill 195** offered by Senators Drzewiecki, Welch and Cowles.

Senator Decker moved rejection of Senate substitute amendment 2 to **Senate Bill 195**.

The question was: Rejection of Senate substitute amendment 2 to **Senate Bill 195?**

The ayes and noes were demanded and the vote was: ayes, 17; noes, 16; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Clausung, Decker, Erpenbach, George, Grobschmidt, Jauch, Moen, Moore, Plache, Risser, Robson, Shibilski and Wirch – 17.

Noes – Senators Cowles, Darling, Drzewiecki, Ellis, Farrow, Fitzgerald, Huelsman, A. Lasee, Lazich, Panzer, Roessler, Rosenzweig, Rude, Schultz, Welch and Zien – 16.

Absent or not voting – None.

Rejected.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

Senate Bill 195

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 26; noes, 7; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Clausung, Darling, Decker, Erpenbach, Farrow, George, Grobschmidt, Huelsman, Jauch, Lazich, Moen, Moore, Panzer, Plache, Risser, Robson, Roessler, Rosenzweig, Rude, Schultz, Wirch and Zien – 26.

Noes – Senators Cowles, Drzewiecki, Ellis, Fitzgerald, A.
Lasee, Shibilski and Welch – 7.
Absent or not voting – None.
Passed.

SECOND READING AND AMENDMENTS OF ASSEMBLY JOINT RESOLUTIONS AND ASSEMBLY BILLS

Assembly Bill 144

Relating to: disclosure of child abuse and neglect reports for the purpose of investigating an alleged violation of a correctional community placement.

Read a second time.

Senate amendment 1 to **Assembly Bill 144** offered by Senators Huelsman and Robson.

The question was: Adoption of Senate amendment 1 to **Assembly Bill 144**?

Adopted.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

Assembly Bill 144

Read a third time and concurred in as amended.

Assembly Bill 370

Relating to: distribution of certain state documents; school district reports on programs for school age parents and on special transfer programs; the supervision of nurses and dentists employed by a school board; and the term “limited-English speaking” (suggested as remedial legislation by the department of public instruction).

Read a second time.

Senator Burke, with unanimous consent, asked that **Assembly Bill 370** be referred to the Joint Committee on **Finance**.

Senator Burke, with unanimous consent, asked that the rules be suspended and that **Assembly Bill 370** be withdrawn from the Joint Committee on **Finance** and taken up at this time.

Read a second time.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

Assembly Bill 370

Read a third time and concurred in.

Senator Chvala, with unanimous consent, asked that all action be immediately messaged to the Assembly.

ANNOUNCEMENTS, ADJOURNMENT HONORS AND REMARKS UNDER SPECIAL PRIVILEGE

Senator Baumgart, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Aldo Leopold and the passage of **Senate Bill 27**.

ADJOURNMENT

Senator Chvala, with unanimous consent, asked that the Senate adjourn until Thursday, November 4 at 10:00 A.M..

Adjourned.

12:41 P.M.